

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA**

Administrative Procedures for Filing, Signing, Verifying,
and Maintaining Pleadings and Other Papers in the
Electronic Case Filing (ECF) System

Exhibit to Standing Order No. 1

Effective Date of Revisions
October 17, 2005

ADMINISTRATIVE PROCEDURES

I. ELECTRONIC CASE MANAGEMENT/ELECTRONIC CASE FILING

1. Electronic Case Management System (CM)

The United States Bankruptcy Court for the Northern District of Iowa (hereinafter “court”) has assigned all of its pending and future cases to the Electronic Case Management System.

2. Electronic Case Filing (ECF)

The Electronic Case Filing system, as integrated with the Case Management component, allows, accepts and routes remote filing(s) via Internet access to the court’s Case Management system and electronic court file.

II. SCOPE OF ELECTRONIC FILING

1. Designation of Cases

The court has designated that all chapters and proceedings shall be assigned to the Electronic Case Filing System (hereinafter “System”). Except as otherwise provided by these procedures, all pleadings or other papers required to be filed with the court in connection with a case assigned to the Electronic Filing System must be electronically filed. *Paragraph IV-1. of these procedures specifically identifies those documents that will be accepted through conventional means only.*

2. Participation in Electronic Filing Initiative

1. Attorneys admitted to the bar of this court (including those admitted *pro hac vice*) who file, on the average, in excess of eleven (11) pleadings or other papers within a calendar year (excluding Proofs of Claim), **shall** register as Filing Users of the court’s Electronic Filing System.
2. Attorneys meeting the criteria as set forth in paragraph 2-1 of this section, who are experiencing exigent circumstances that preclude their effective/efficient use of the court’s Electronic Filing System, may petition the court for relief from participation as a Filing User. The court will address these petitions/requests on a case-by-case basis.
3. Attorneys admitted to the bar of this court (including those admitted *pro hac vice*) who file, on the average, eleven (11) or less pleadings or other papers within a calendar year, are excused from mandatory participation as a Filing User of the court’s Electronic Filing System.
4. Pursuant to the Court’s Standing Order #2, attorneys who meet the criteria for required participation in electronic filing, but continue to file pleadings and other papers conventionally (over the counter or via U.S. Mail delivery), and attorneys who are registered Filing Users of the system who continue to file pleadings and other

papers conventionally (over the counter or via U.S. Mail delivery) will be sanctioned at a cost of \$25 for each pleading or paper filed conventionally.

5. Once registered, an attorney may withdraw from participation in the System only for cause, on order of the court.
6. United States trustees and their assistants, private trustees, and others as the court deems appropriate, shall register as Filing Users of the court's Electronic Filing System.

3. Passwords

1. Filing User Passwords - Those individuals required to participate in the System, as identified in paragraphs 2-1 and 2-4 of this section, shall register as Filing Users of the court's Electronic Filing System. Registration shall be on a form prescribed by the clerk, requiring the Filing User's name, address, telephone number, Internet e-mail address, and, in the case of an attorney, a declaration that the attorney is admitted to the bar of this court. Registration for a password is governed by paragraph 4 of this section.
2. Creditor Filing User Passwords - Creditor representatives that the court deems appropriate and attorneys for creditors may register as Creditor Filing Users of the court's Electronic Filing System. Registration shall be on a form prescribed by the clerk requiring the Filing User's name, address, telephone number, and Internet e-mail address. *System access for this password type will be limited to filing of papers for which no filing fee is assessed (including claims and transfer of claims).* Registration for a password is governed by paragraph 4 of this section.

4. Registration

1. A registration form, as approved by the Clerk of the Court, shall be submitted for each attorney or other user of the System. The blank form may be duplicated for use.
2. All registration forms shall be mailed or delivered to the divisional office which processes most of the cases in which the attorney appears.
3. After completion of training with a clerk's office employee, each registering attorney will obtain from the clerk's office a live system password.
4. Attorneys have been afforded access within the System to change their initial live system password to a password of their choice/convenience. This is accomplished by the attorney/registered Filing User accessing the "Maintain Your ECF Account" option of the System's Utilities Menu.

5. Once registered, an attorney may withdraw from participation in the System only for cause and on order of the court. The registered attorney shall provide a copy of the court order to the ECF Help Desk. Upon receipt of the court order, the ECF Help Desk will initiate a procedure approved by the clerk governing the withdrawal of the registered attorney from participation in the System. Once the registered attorney has met all of the requirements set forth in the procedure, the ECF Help Desk will immediately cancel the registered attorney's password and will delete the registered attorney from any applicable electronic service list. The registered attorney still must follow the procedure set out in LR 2091-1 to withdraw as counsel of record in any case or proceeding.

III. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

1. Filing

1.
 - a. Except as expressly provided for in paragraph IV -1 below or where exceptional circumstances prevent an attorney from filing electronically, all papers required to be filed with the court in connection with a case assigned to the system shall be electronically filed on the System.
 - b. Commencing January 1, 2005, sanctions will be imposed, at a cost of \$25 per pleading for each occurrence of a conventional filing (over the counter or via U.S. Mail delivery), by a registered Filing User of the System, of any pleading or other paper not expressly provided for in paragraph IVA.
 - c. Filing Users shall serve one copy each of the petition, statement, schedules, and all attachments on the U.S. trustee and case trustee within three (3) business days after filing the papers with the court.
 - d. Every paper filed electronically in the System will generate a "Notice of Electronic Filing," in a form approved by the clerk. Papers filed in the System which initiate the case opening process will generate a "Notice of Electronic Case Filing," in a form approved by the clerk.
 - e. Electronic transmission of a paper to the Electronic Filing System consistent with these administrative procedures, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed.R.Bankr.P. 5003.

- f. When a paper has been filed electronically, the official record is the electronic recording of the paper as stored by the court, and the filing party is bound by the paper as filed. Except in the case of papers first filed in paper form and subsequently submitted electronically under Rule 1, a paper filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.
 - g. Filing a paper electronically does not change the filing deadline for that paper. Unless notice has been given of an earlier time deadline, filing must be completed before midnight in order to be considered timely filed that day.
 - h. Parties without legal representation are not required to electronically file pleadings or other papers in a case, but they must adhere to the requirements set forth in the notice dealing with conventional filings.
- 2. All papers should be separately filed, shown and related to the pleading to which they refer, with the exception that exhibits may be electronically filed together as an attachment under the docket number of the supported document.
- 3. Before filing a scanned paper with the court, a Filing User must verify its legibility.
- 4. Exhibits/Attachments to documents
 - a. Attachment(s) to Papers - Filing Users must submit in electronic form all papers referenced as exhibits or attachments, unless the court permits or requires conventional filing. A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly relevant to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file the complete document or additional excerpts which they believe are relevant. The court may require parties to file additional excerpts or the complete document.
 - b. Trial Exhibits - Trial exhibits shall be submitted, maintained, and exchanged outside of the System in a manner which comports with Local Rules and the Federal Rules of Bankruptcy Procedure.
- 5. Electronically filed documents may contain the following types of hyperlinks:

- a. Hyperlinks to other portions of the same document; and
- b. Hyperlinks to a location on the Internet that contains a source document for a citation.

Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document. Neither a hyperlink, nor any site to which it refers, shall be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document.

The court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The court accepts no responsibility for the availability or functionality of any hyperlink.

6. Expedited Matters

- a. Pursuant to L.R. 9073-2, an attorney shall immediately notify appropriate court staff by telephone when a request for an expedited hearing or relief is filed on the System.

7. Entry of Court Issued Papers

- a. All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these rules, which will constitute entry on the docket kept by the clerk under Fed.R.Bankr.P. 5003 and 9021. All signed orders will be filed electronically by the court or court personnel. Any order or other court-issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner.
- b. Orders may also be issued as “text-only” entries on the docket, without an attached document. Such orders are official and binding.
- c. The court may sign, seal and issue a summons electronically, although a summons may not be served electronically.

2. Service

- 1. Registration as a Filing User constitutes: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under Fed.R.Bankr.P. 7004. Waiver of service and notice by first class mail applies to notice of the entry of

an order or judgment under Fed.R.Bankr.P. 9022.

2. Whenever a pleading or other paper is filed electronically in accordance with the electronic filing procedures, the System will automatically generate a “Notice of Electronic Filing” at the time of docketing. Electronic service of the “Notice of Electronic Filing” upon a Filing User constitutes service or notice of the filed document. Parties not deemed to have consented to electronic service of notice are entitled to service of a paper copy of any electronically filed pleading or other paper. Service must be made by the filing party according to the Federal Rules of Bankruptcy Procedure and the Local Rules.
3. Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the system will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed.R.Bankr.P. 9022. The clerk must give notice to a person who has not consented to electronic service in paper form in accordance with the Federal Rules of Bankruptcy Procedure.

3. Signatures; Affidavits of Service

1. The user log-in and password required for submission of documents to the Electronic Filing System serve as the Filing User’s signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed.R.Bankr.P. 9011, the Federal Rules of Bankruptcy Procedure, the Local Rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court. Electronically filed papers must include a signature block and must set forth the name, address, telephone number, internet e-mail address, and the attorney’s Iowa bar registration number, if applicable. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an “/s/” and typed in the space where the signature would otherwise appear. The pleading or other paper electronically filed shall also indicate a signature with the party’s name typed in full, e.g. /s/ Jane Doe.
2. The attorney filer’s electronic signature on these papers serves as certification that he/she has received a signed paper copy of the Statement of Social Security Number from the debtor, and shall retain such signed statement in accordance with Paragraph III-5 of these procedures.
3. A certificate of service must be included with all papers filed electronically, indicating that service was accomplished.
4. A Filing User or other person shall not permit a Filing User’s password to be used by

anyone other than an authorized agent of the Filing User.

5. Papers requiring signatures of more than one party must be electronically filed by either (1) submitting a scanned paper containing all necessary signatures; (2) representing the consent of the other parties on the paper; (3) identifying on the paper the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than seven (7) business days after filing; or (4) in any other manner approved by the court.

4. Protection of Personal Privacy

1. Pursuant to the privacy revision of Rule 1007(f), enacted on December 1, 2003, electronically filed papers which commence a bankruptcy case shall not include the debtor's full nine digit social security number. NOTE: Only the last four digits of the debtor's social security number shall be displayed in any PDF attachment electronically submitted to the court. As part of the case opening process, attorney filers shall enter the debtor's full nine digit social security number(s) directly into the system, but this information will not be available for public access.
2. In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents and pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court or required by statute, the Federal Rules of Bankruptcy Procedure or the Official Bankruptcy Forms:
 - a. **Social Security numbers.** If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.
 - b. **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used. On Schedule I of Official Bankruptcy Form 6, list relationship and age of the debtor's dependents (i.e., son, age 6).
 - c. **Dates of birth.** If an individual's date of birth must be included in a pleading, only the year should be used. On Schedule I of Official Bankruptcy Form 6, list the age of each of the debtor's dependents.
 - d. **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used. (On Schedules D, E, and F of Official Bankruptcy Form 6, debtors, if they so choose, may include their full account numbers to assist the trustee and creditors, as long as they have been informed that the account number will become public record

immediately upon filing.)

3. In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted version of the document under seal, or file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.

The unredacted version of the document or the reference list shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each document for compliance with this rule.

4. Most sealed filings do not produce a Notice of Electronic Filing, and therefore, service by the filer of any sealed document by an alternate method is required.

5. Retention

A paper that is electronically filed and which requires an original signature other than that of the Filing User must be maintained in paper form by the Filing User until five (5) years after the case is closed. The Filing User must provide original papers for review upon request.

6. Fees Payable to the Clerk

1. All applicable filing fees shall be paid by approved credit card, via the CM/ECF internet credit card payment module.
2. Petitions filed *In Forma Pauperis* shall be accompanied by an application to waive filing fees at the time of filing.
3. Filing Users shall serve one copy each of the application to waive filing fees (along with the petition, statement, schedules, and all attachments as required in paragraph III1c of these procedures) on the U.S. trustee and case trustee within three (3) business days after filing the papers with the court.
4. If a petition is filed *In Forma Pauperis*, and the application is subsequently denied by Order of the Court, Filing Users shall be ordered to pay all applicable filing fees

either:

- a. in full, using an approved credit card via the CM/ECF internet credit card payment module, within ten (10) days of the entry of the order denying; or
- b. pursuant to the installment payment schedule that has been clearly defined in the order denying.

Note: Installment payments and payments in full originating from an order denying In Forma Pauperis status must be made conventionally, directly to the Clerk's Office.

If payment of fees is not received pursuant to the Order of the Court, the case shall be dismissed.

- 5. Refund of filing fees paid in error - The authority to approve a refund is a judicial determination. This authority has been delegated to the Clerk of Court for processing only those refunds associated with systems' communication errors and payments/events for which the Clerk has no statutory authority to accept fees (paragraphs 5b and 5c below, respectively).

- a. If a filing user enters a duplicate event which results in an additional payment, a refund will not be issued without an order of the court.

- 1. Requests for refunds should be made by motion to the Court.
- 2. Upon receipt of an order to refund filing fees, the Clerk's Office will process the refund through the electronic credit card system. The Clerk's Office will not issue checks to effect refunds of fees.
- 3. The financial deputy will contact the affected attorney to advise of the refund.

- b. If an erroneous payments resulting from technical systems' communication failure occurs, a refund may be issued.

- 1. The Clerk shall authorize the financial deputy to refund the erroneous payment.
- 2. The financial deputy will process the refund through the electronic credit card system. The Clerk's Office will not issue checks to effect refunds of fees.
- 3. The financial deputy will contact the affected attorney to advise of the

refund.

- c. If a payment is received that the clerk's office does not have the authority to accept, a refund must be issued.
 1. The Clerk shall authorize the financial deputy to refund the erroneous payment.
 2. The financial deputy will process the refund through the electronic credit card system. The Clerk's Office will not issue checks to effect refunds of fees.
 3. The financial deputy will contact the affected attorney to advise of the refund.

In the event that a particular Filing User continues to make repeated mistakes when submitting fees and requesting refunds, the Court shall consider remedial actions such as issuing an order to show cause why further requests should be considered.

7. Orders

In order to facilitate the entry of an order, the party presenting a proposed order shall e-mail said order as an attachment in Portable Document Format (PDF) to designated clerk's staff, together with any attachment, exhibit or related paper to be electronically entered in connection therewith. All signed orders (including, without limitation, orders to show cause) shall be entered electronically by the clerk's office or presiding judge in the case. Any order filed electronically by the court without the original signature of a judge has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner. All requirements under L.R. 9036-1 with regard to the list of parties, copies of orders, and envelopes must be followed, unless the party to be served is a registered user of the System. For registered users of the System, no envelope is required as electronic notice will constitute service.

8. Docketing of Pleadings or Other Papers

1. The person electronically filing a pleading or other paper shall docket the pleading or paper by selecting the appropriate event from the categories contained in the System.
2. The person electronically filing/docketing a Chapter 7 petition for an individual debtor shall select the "Presumed Abuse" designator appropriate for the case being filed

(Presumption Arises/Presumption Does Not Arise) and ensure that the designator selected matches the box checked on the Means Test form (Form B22), which is required to be filed with the petition. **Note:** The Clerk's Notice Re: Presumption of Abuse shall report the designator selected at time of docketing. Registered users who fail to ensure that the designator matches Form B22 as filed must take affirmative action to correct the Clerk's Notice (file rebuttal paperwork or notification of abuse through an amended B22).

IV PAPERS WHICH MUST BE CONVENTIONALLY FILED

1. Conventional Filings

The following papers shall be filed conventionally and not electronically unless specifically authorized by the court:

1. Papers to be filed under seal

A motion to file paper(s) under seal shall be filed electronically, unless prohibited by law; however, the actual papers proposed to be filed under seal shall be filed conventionally. The order of the court authorizing the filing of such paper(s) under seal shall be entered electronically by the clerk's office or the presiding judge and it shall indicate that the motion to file papers under seal has been granted or denied in accordance with Paragraph III-7 above. The proposed order shall be attached to the papers under seal and be delivered to the Clerk of Court.

2. Transcripts

Transcripts shall be filed conventionally.

2. Service of Conventional Filings

Pleadings or other papers which are filed conventionally shall be served on those parties entitled to notice in accordance with the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules except as otherwise provided by order of the court.

V. PUBLIC ACCESS TO THE SYSTEM DOCKET

1. Internet Access without a Password

Internet access to the System at the court's Internet web site is not available without a PACER login and password. A PACER login and password can be secured by contacting the PACER Service Center to establish an account. Registration may be made online at <http://pacer.psc.uscourts.gov> or by calling the PACER Service Center at (800) 676-6856 or (210) 301-6440. Such access to the system through the Internet web site will permit retrieval of the docket sheet and documents, but will not permit filing of papers. Access to the System will be on a "read-only" basis.

In connection with the filing of any papers in a case or proceeding assigned to the Electronic Filing system, any person may apply by motion for an order limiting electronic access to or prohibiting the electronic filing of certain specifically-identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests.

Information posted on the System must not be downloaded for uses inconsistent with the privacy concerns of any person.

2. Public Access at the Court

The public will have electronic access in the clerk's office for viewing the documents and docket record filed in the System during regular business hours, Monday through Friday.

3. Technical Failures

1. In the event of a technical failure of the system, a Filing User shall contact the appropriate divisional office and speak with a deputy clerk to confirm that the System is not accessible, and state why an immediate filing is necessary. The Filing User will make suitable arrangements for the filing to take place.
2. A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.

4. Certified Copies

Certified copies of electronically filed papers may be obtained at the clerk's office during regular business hours Monday through Friday. The fee for copying and certification will be in accordance with the fee charged by the copy service and/or 28 U.S.C. § 1930.

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA**

**ELECTRONIC CASE FILING SYSTEM
FILING USER REGISTRATION FORM**

Live System

This form shall be used to register for an FILING USER ACCOUNT on the U.S. Bankruptcy Court for the Northern District of Iowa's (IANB) Electronic Case Filing (ECF) System. A registered user will have privileges both to submit documents electronically, and to view and retrieve docket sheets and documents for all cases assigned to the IANB ECF system (NOTE: a PACER account is necessary for access to files and documents in the IANB ECF system. You may register for a PACER account either online at <http://pacer.psc.uscourts.gov/> or by calling 1-800-676-6856.) The following information is required by IANB ECF registration.

First/Middle/Last Name: _____

Bar ID#: _____

State of Admission: _____

Firm Name: _____

Mailing Address: _____

Voice Phone Number: _____

Fax Phone Number: _____

Internet E-Mail Address: _____

Other District(s) in Which
Certified (CM/ECF): _____

Access Requested: **9 General Filing User** **9 Creditor Filing User**

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. This access is for use only in ECF cases filed in the U.S. Bankruptcy Court for the Northern District of Iowa. It may be used to file and to view electronic papers, docket sheets, and reports. **Note:** A PACER account is necessary for this access (see above for registration information).
2. At this time, the hardware and software requirements for filing, viewing, and retrieving case papers are: a personal computer (Pentium minimum) running a standard platform (such as Windows XP, 2000, Macintosh or Linux), an Internet provider, Microsoft Internet Explorer 5.5 or higher, and Adobe Acrobat 5.0 or higher Reader and Writer software to convert documents from a word processor format to a portable document format (pdf). Filing attorneys are responsible for ensuring system/software compatibility with the ECF system. Updated software requirements are available at www.ianb.uscourts.gov
3. Pursuant to Federal Rule of Civil Procedure 11, Federal Rule of Bankruptcy Procedure 9011, and Local Bankruptcy Rule 5005-1(C)(4), every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) shall be signed by at least one attorney of record. Signatures on papers submitted to the court that do not contain the original/facsimile signature shall be indicated by “/s/” and the typed name of the person signing. For example, attorney Jane Smith’s signature would be noted by “/s/ Jane Smith” on the signature line. Additionally, the ECF user’s password shall constitute the user’s signature. Therefore, a user must protect and secure the password. If there is any reason to suspect the password has been compromised, it is the duty of the user to immediately change his/her login and/or password. After doing so, the user should contact the ECF Help Desk at (319) 286-2203 to report the suspected password compromise.
4. Registration shall constitute a request and an agreement to receive service of pleadings and other papers electronically pursuant to FRBP 9036, where service of pleadings and other papers is otherwise permitted by first-class mail, postage prepaid.
5. I understand that by making application for a password, I agree to abide by all of the rules and regulations in the Administrative Procedures for Filing, Signing, Maintaining and Verifying Pleadings and Papers currently in effect, and any changes or additions that may be made to such Administrative Procedures in the System.

Applicant’s Signature

Clerk/Deputy Clerk of U.S. Bankruptcy Court

Last 4 Digits of SS# (for security purposes)

Please return this form to the divisional office where the attorney most frequently practices:

Cedar Rapids

U.S. Bankruptcy Court
Attn: DQA Team
PO Box 74890
Cedar Rapids, IA 52407

Sioux City

U.S. Bankruptcy Court
Attn: DQA Team
PO Box 3857
Sioux City, IA 51102